

Section 5. Disclosure

5-500. General. Contractors shall ensure that classified information is disclosed only to authorized persons.

5-501. Disclosure to Employees. Contractors are authorized to disclose classified information to their cleared employees as necessary for the performance of tasks or services essential to the fulfillment of a classified contract or subcontract.

5-502. Disclosure to Subcontractors. Unless specifically prohibited by this Manual, contractors are authorized to disclose classified information to a cleared subcontractor when access is necessary for the performance of tasks or services essential to the fulfillment of a prime contract or a subcontract.

5-503. Disclosure between Parent and Subsidiaries.

Disclosure of classified information between a parent and its subsidiaries, or between subsidiaries, shall be accomplished in the same manner as prescribed in 5-502 for subcontractors.

5-504. Disclosure in an MFO. Disclosure of classified information between cleared facilities of the MFO shall be accomplished in the same manner as prescribed in 5-501 for employees.

5-505. Disclosure to DoD Activities. Contractors are authorized to disclose classified information received or generated under a DoD classified contract to another DoD activity unless specifically prohibited by the DoD activity that has classification jurisdiction over the information.

5-506. Disclosure to Federal Agencies. Contractors shall not disclose classified information received or generated under a contract from one agency to any other federal agency unless specifically authorized by the agency that has classification jurisdiction over the information.

5-507. Disclosure of Classified Information to Foreign Persons. Contractors shall not disclose classified information to foreign persons unless release of the information is authorized in writing by the Government Agency having classification jurisdiction over the information involved, e.g. DOE or NRC for RD and FRD, NSA for

COMSEC, and the DCI for SCI, and all other Executive Branch Departments and agencies for classified information under their jurisdiction. The disclosure must also be consistent with applicable U.S. laws and regulations.

5-508. Disclosure of Export Controlled Information to Foreign Persons. Contractors shall not disclose export-controlled information and technology (classified or unclassified) to a foreign person, whether an employee or not, or whether disclosure occurs in the United States or abroad, unless such disclosure is in compliance with applicable U.S. laws and regulations.

5-509. Disclosure to Other Contractors. Contractors shall not disclose classified information to another contractor except (a) In furtherance of a contract or subcontract; (b) As authorized by this Manual; or (c) With the written approval of the agency with classification jurisdiction over the information involved.

5-510. Disclosure to Courts and Attorneys. Contractors shall not disclose classified information to federal or state courts, or to attorneys hired solely to represent the contractor in a criminal or civil case, except in accordance with special instructions of the agency that has jurisdiction over the information. (see paragraph I-209).

5-511. Disclosure to the Public. Contractors shall not disclose classified or unclassified information pertaining to a classified contract to the public without prior review and clearance as specified in the Contract Security Classification Specification for the contract or as otherwise specified by the CSA or GCA.

a. Requests for approval shall be submitted through the activity specified in the GCA-provided classification guidance for the contract involved. Each request shall indicate the approximate date the contractor intends to release the information for public disclosure and identify the media to be used for the initial release. A copy of each approved request for release shall be retained for a period of one inspection cycle for review by the CSA. All information developed subsequent to the initial approval shall also be cleared by the appropriate office prior to public disclosure.

- b. The following information need not be submitted for approval unless specifically prohibited by the CSA or GCA:
- (1) The fact that a contract has been received, including the subject matter of the contract and/or type of item in general terms provided the name or description of the subject matter is not classified.
 - (2) The method or type of contract; such as, bid, negotiated, or letter.
 - (3) Total dollar amount of the contract unless that information equates to, (a) A level of effort in a sensitive research area or (b) Quantities of stocks of certain weapons and equipment that are classified.
 - (4) Whether the contract will require the hiring or termination of employees.
 - (5) Other information that from time-to-time may be authorized on a case-by-case basis in a specific agreement with the contractor.
 - (6) Information previously officially approved for public disclosure.
- c. The procedures of this paragraph also apply to information pertaining to classified contracts intended for use in unclassified brochures, promotional sales literature, reports to stockholders, or similar type material.
- d. Information that has been declassified is not automatically authorized for public disclosure. Contractors shall request approval for public disclosure of “**declassified**” information, in accordance with the procedures of this paragraph.